

31 Jan. 2018

Curry; Steven Duane ©
CEDC C-101 #38970
Alamogordo, NM [88310]

To: Clerk of Court
12th Judicial District - Otero County
c/o Matthew J. Dykman
Clerk of Court
US Federal District Court, Rm 27D
333 Lomitas Blvd NW
Albuquerque, NM 87102

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FEB 05 2018

MATTHEW J. DYKMAN
CLERK

RE: Curry v. New Mexico, et al
Fed. Case # 2:17-cv-01079 RB-GLF
State Dist. # D-1215-17-ER-00036; # D-1215-17-CR-004736 (TBD)

SUBJECT: AFFIDAVIT/NOTICE, PETITION TO STRIKE, ANNUL,
DISMISS, DISCHARGE, SET-OF, AND VOID STATE'S CASE;
CAUSE, PURSUANT STATE'S COMMERCIAL DEFAULT;
DISHONOR BASED ON THE FOLLOWING UNREBUTED FACTS;
TRUTHS CLEARLY IN EVIDENCE;

Let this Court of Record & the Affiant's Claim be
Amended as follows;

1. The state's key witness, David J. Hunter, who
also claims to be the "Plaintiff," the "Injured Party,"
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"The Victim," "The Aggrieved Party," "The Prosecutor," "The Accuser," "A Peace Officer," "A Judicial Officer," "A Law Enforcement Officer," and other alleged Titles of Office under the Color of State Law, is no longer able to bear witness, or to give testimony against the Affiant, as his trustworthiness & reliability as a State's witness is no longer acceptable by any measure or means in any Court of law or equity.

— Given that David Hunter has been arrested by Federal authorities, and that very serious charges are pending, the State is well advised to withdraw its case against the Affiant in the interests & pursuit of justice, and as per the V & VI Amendments!

2. Given the recent declaration by OCDE Mental Health agent Joanna Aradando that the Affiant's October 5, 2017 "Competency Exam" performed by Dr. Dent's on the Oct. 3rd Court orders of Mr. Counts, is now annulled & void due to Dr. Dent's not being "Board Approved," or "Board Certified," by the State of New Mexico, this State District Court is obligated to withdraw its charges & allegations against Affiant, on the basis that Dr. Dent's was, at the time, IMPERSONATING a "Board Certified Mental Health Professional," and the Affiant was hoodwinked & tricked into giving up confidential medical information.

mation to someone not qualified to re-present the state or its interests. The Affiant's natural, unalienable & Constitutional rights, along with all protected rights under HIPAA, were violated by Dr. Dents, and by Arradando who witnessed & recorded this "Competency Exam," but who failed to report Dr. Dent's deficiencies to higher authority, pursuant to usc 364.

3. The obvious & glaring conflicts of Interest between pro-se-cuting DA Roxanna B. Esquivel & her sister, Joanna Arradando, are enough to cause the State to withdraw its case against the Affiant with great prejudice. With Esquivel having full & open access to the Affiant's Bid, Performance, and Payment Bonds, and with Arradando having full access & control over the Affiant's Medical Records, and where both have conspired & colluded to commit fraud upon the Affiant, the state, and the judicial machinery, as well, there is no "level playing field," or "Due Process," being afforded to the Affiant; especially when a "No Bond Hold" for a "Competency Exam" remains attached to the proceedings!

4. The Facts remain, that Arradando continues to aid & abett Esquibel, with her refusal to release the Affiant's Medical Records to his attorney, his wife, and to the US District Court. This refusal is not only 'Obstruction of Justice,' it is also 'Tampering with the Exculpatory Evidence' that would exonerate & acquit the Affiant of all wrongdoing during the 'Incident' of 22 Sept. 2017.

5. Arradando continues to conceal, hide, and suppress the "Fit for Incarceration Script" authored by Dr. James Wells on the evening of 22 Sept., when Dr. Wells performed no such exam on the Affiant, and the "PERSON" named on the "Script" was one "STEPHEN CURRY, Age 58." This "Script," which Arradando stole from the Affiant's private papers & effects on 26 October, remains prima facie evidence of Arradando & Esquibel covering for Dr. Wells' Medical Malfeasance, Misconduct, and Malpractice!

6. Arradando has never denied being the author of the 'notorious' "Rap Sheet," where, as a favor to the prosecution, she accused the Affiant of several heinous & horrendous crimes against a 2yr old

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girl, the murder of another individual, the commission of weapons charges, a DUI, and an author of "Hate Speech!"

— This "Rap Sheet" was stapled to David Hunter's Fabricated & Falsified "Incident Report(s)" (plural), and his manufactured "Criminal Complaint;" with all three documents being presented to Esquivel's private Grand Jury that she assembled on October 3RD, well after the 22 Sept. Incident, in Ex Posto Facto fashion, which is, in itself, unlawful & even illegal!

— Arradondo's "Rap Sheet," a mixed compilation of several different "STEVEN DUANE CURRYS," with the age of "58," was presented to this Ad Hoc Grand Jury during David Hunter's One & a half hours of tainted testimony, where he claimed the Affiant had assaulted both he & officer Sanchez and had disarmed them both in the process of resisting arrest! — Not only was Hunter's description of events impossible, they were not even factual or plausible, given the Affiant was not armed at the time, and he was seated in the doorway of his RV trailer when he was attacked, assaulted & battered by Hunter & Sanchez. The Affiant had no opportunity to

assault either Hunter or Sanchez, but alone remove their weapons from their belts!

7. Having achieved their goals of deceiving the Grand Jury into signing a "True Bill of Indictment" against the Affiant, Hunter, Esquivel, & Arradando had done what they had set out to do, which was to conceal, hide, and suppress Hunter's & Sanchez's criminal trespasses, their assault & battery, kidnapping, and wrongful imprisonment of a protected witness, crime victim, and informant under 18 USC 3771; and all without "probable cause," a valid binding & enforceable arrest warrant, bonds, insurance, ID's or badges, pursuant the IV prohibitions & constraints against same!

B. Given Esquivel's refusal to release the transcripts of the Grand Jury hearing of 3 October, 2017, is reason & cause enough for the State to withdraw it's case with great prejudice, as these transcripts would prove out Esquivel's & Hunter's tampering with the evidence, with the witness, and their tampering with the jury, by flooding them Arradando's "Rap sheet," and by Esquivel's refusal to allow the Affiant to give the

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Grand Jury Foreman documents that would have exonerated & acquitted him of all wrongdoing! — Add to this, Esquivel's denying the Affiant of his rights to ask questions of the jurors, and to face his accuser face to face!!

9. The Affiant's assault & battery by Humberto Sanchez included blunt force trauma to the head, strangulation, Asphyxiation, Black-out, loss of vision to left eye, loss of hearing, loss of memory, broken fingers, and extensive neurological damage; the extent of which is still unknown, as Arradando & member-officers of the OCDC Medical Dept. took over 12 weeks to set an appointment with Dr. Metzger of Mountain View Orthopedics for a neurological exam; the first of which was conducted on 8 Jan. 2018 by Dr. Metzger's colleague, Dr. Sloan; 3 1/2 Months After the Fact!!

— Having set a follow-up Appointment with Dr. Metzger for Thurs. Jan. 25, 2018, OCDC officers neglected to transport the Affiant to Las Cruces for this appointment. Dr. Metzger's staff contacted the Affiant's wife on Friday, Jan. 27th to let her know that the Affiant was a "No Show!"

10. The latest failure of the CDC is much more than obstruction of justice, as it is obstruction of Dr. Metzger's free trade & commerce as described under 15 USC 1 & 2, and it is criminal neglect & reckless endangerment to deprive & deny the Affiant of critical & crucial medical care; to say nothing of their further violating his natural, unalienable & Constitutional rights, and all while operating under the Color of State Law!

11. In prioritizing CDC's "Security Concerns" over the Affiant's individual/patient rights to proper & adequate medical care, the CDC is acting in contempt of the US Supreme Court, where the Court had ruled in the case of Hale v. Henkel (1906), that individual rights pre-date and "are long antecedent to the establishment of the state!"

— Given Hale v. Henkel, the state, nor any of its officers, agents, or contractors, can "state a claim upon which a court could grant a remedy."

— See FRCPRule 12(b)(6). And that: The individual Affiant is the exclusive "holder in Due Course" of the Most Superior Claim of Entitlement, which is that of being a living & breathing entity, and Not a "PERSON," "FICTION," "ARTIFICIAL BEING,"

or "Corporal Being," or a "Corporation," all of which are "Dead Entities," as described & defined under the US Supreme Court decision of Scott v. McNeal (1894). [See Black's Law Dictionary]

12. Under F.R.C.P. Rule 12(b)(6), Hale v. Hankul, & Scott v. McNeal, then, the State is obligated to withdraw the charges & allegations brought forward by the private 12th Judicial District officers & agents who have, in essence, Breached their contracts with the State by bringing charges against one of the United States in violation of the XI Amendment!

13. Given, too, that the State, nor any of its officers or agents, is a suable entity, and nor can the State bring suit through the US Judiciary, as per the very same XI Amendment! See McLaughlin v. Bd of Trs. 215 F.3d at 1172, which states: "Neither the State nor its officials acting in their official capacities are 'PERSONS' under 42 USC § 1983."

14. The primary wrongdoer, prosecutor & "Judicial officer," David Hunter, then, having perjured himself in his "Incident Reports" & Criminal

Complaints), "alleging that his "official capacity" was that of a "Peace Officer," when neither he, nor Sanchez, were in possession of any form of ID that would support their actions as a legitimate Law Enforcement officer or "Peace Officers."

— Both Hunter & Sanchez were asked to produce their ID's upon their criminal trespass of the Plaintiff's private property, with both refusing to present their ID's, or a valid & enforceable Arrest Warrant!

— Hunter's IMPERSONATION of a "Peace Officer," in his actions in the field, and in his sworn testimony before a Grand Jury, constitute severe criminal offenses, and these offenses are punishable under 18 USC Sections dealing with Piracy & perjury!

— David Hunter, acting in his private capacity as a Highwayman, Thief, Thug, & Pirate, has surrendered his rights, defenses, and his alleged immunities! - See Pfaff v. Hartford Fire Ins. Co (1991).

— Again, Judicial officers, having taken Oaths to a foreign government & power, cannot hold any office as a "government official," or "Public Servant."

- [See Colo. House Bill 1062 for Details!]

15. David Hunter, having acted outside of his official station, and as an individual, is charged with aggravated assault & battery of a protected crime victim, witness, and informant, as per 18 USC 3771, and for violating the Constitution which was to have protected the Affiant!

- See Trask v. Franco, 446 F.3d 1036, 1046 (10th Cir. 1998).

— The Affiant has well established "a connection between the official conduct and the Constitutional violation," - Fogarty v. Gallagos, 523 F.3d 1147, 1162 (10th Cir. 2008)

In Summary: The State District Court is morally & ethically obligated & duty-bound to order the District Attorney to withdraw its entire case against the Affiant, including any allegation that there exists a valid or enforceable Warrant from Colorado, which precipitated Hunter's errant actions in the field.

— For the Record, too, the Affiant is Not a "Fugitive from Justice," or a "Terrorist," as some folks would allege!

① A "Failure to Appear" Warrant and
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Montrose County, CO by one Bennet A. Morris, was fabricated & falsified, as the Affiant made over 14 "Appearances" in Case #14-cv-152, and he was a protected witness, crime victim, and informant against the Plaintiffs, "County Technical Services, Inc." - The Warrant was issued as a form of reprisal & retaliation for the Affiant's reporting CTSI to the Securities & Exchange Commission!

— A supposed Warrant was issued out of the Denver District Court in retaliation & reprisal for the Affiant coming to the aid & defense of members of the Colorado Common Law Grand Jury. These charges have since been dismissed, discharged, set off, & settled by Chief Justice Nancy Rice, and Presiding Judge William R. Lucero.

— The Colorado Warrant, then, has never been valid or enforceable, as it was done in retaliation & reprisal against a crime victim, witness & informant against corruption in Colorado, where it is still an obligation & duty to report crime, and it is Not crime to report Fraud!

② The Affiant earned the Title of "Terrorist" from Senator Harry Reid, when the Affiant showed up in Bunkerville, NV to defend

Note: The Bundys are now
 free, as the jury determined
 the FBI set up the Bundy's & the
 BLM was at fault for oversteering
 their official capacity.

Cliven Bundy & his family from an attempt
 by Reid to take his cattle ranch to satisfy
 a contract Reid & his son, Rory, had made
 with the Chinese. Reid was to make \$500
 million for capturing the mineral rights
 to the Bundy Ranch. As a Geologist,
 I identified the asterooidal mineral Dolomite,
 which was strewn all about the ranch.
 Dolomite is used as an igniter for jet &
 rocket fuels, and the production of solar
 panels! Obviously, it is worth \$Billions!!
 — Along with advising Cliven & Carol on
 their mineral wealth, I worked as a
 member of his law team as a researcher!

It is the Petition & Prayer of this Affiant
 that the members-officers of the 12th Judicial
 District Attorneys office will realize they've
 never had a deniable or winning case against
 the Affiant, and the more they tried to evaluate
 & manufacture a case, the worse it has gotten
 for Hunter, who started this mess!

— It is 100% guaranteed that what ever
 happens to Hunter, as in an extended
 prison sentence, will happen to Walsh,

Sanchez, Esquivel, Arradando, and anyone else would conspire and/or collude with Hunter to conceal his lawlessness, his malfeasance, and his criminal misconduct!

The Above Statements are constructed of the Truth, the whole Truth, and nothing but the Truth; all of which Hunter, Esquivel, or Arradando know little of, as their actions have betrayed them fully for who they are!

It is so & so it shall be!

Angie Spivey
Paramount Secured Party Creditor
Holder in Due Course
All Rights Reserved & Reserved
UCC 1-308

Fore Ms. Esquivel & Ms. Arradando, I extend the gift of *Ning GAO TAO DOCTOY* May they find natural justice, and may natural justice find them!!

Curry, Steven Duane
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Alamogordo, NM [88310]

URGENT !!
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At Albuquerque NM

DETENTION CENTER

INMATE CORRESPONDENCE

FEB 05 2018

MATTHEW J. DYKMAN

CLERK

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12th Judicial District - Otero County
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